

Analyses of samples of the article by the Bureau of Chemistry of this department showed that it was turbid, upon evaporation it left a foreign odor, and it contained chlorides, impurities decomposable by sulphuric acid, and chlorinated decomposition products.

Adulteration of the article was alleged in the libels for the reason that it was sold under and by a name recognized in the United States Pharmacopœia and differed from the standard of strength, quality, and purity as determined by the test laid down in said Pharmacopœia, official at the time of the investigation.

On April 24, 1923, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11723. Adulteration and misbranding of olive oil and table oil. U. S. v. Nicholas Gamanos, George Booskos, and Athanasios Booskos (Gamanos & Booskos). Pleas of guilty. Fine, \$450. (F. & D. No. 16950. I. S. Nos. 6263-t, 6957-t, 6958-t, 6964-t, 8081-t, 8485-t, 8497-t.)

On May 28, 1923, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Nicholas Gamanos, George Booskos, and Athanasios Booskos, copartners, trading as Gamanos & Booskos, New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on or about September 3, 1920, from the State of New York into the State of Rhode Island, of a quantity of olive oil which was adulterated and misbranded, on or about May 4, 12, 14, and 17, 1921, respectively, from the State of New York into the State of Pennsylvania, of various consignments of olive oil which was misbranded, and on or about May 9 and July 2, 1921, respectively, from the State of New York into the State of Maryland, of two consignments of so-called table oil which was adulterated and misbranded. The articles were labeled variously, in part: "Prodotti Italiani Olio d'Olive Pure Olive Oil Sopraffino * * * Italia Brand Trade Mark Lucca Toscana Italia Net Contents $\frac{1}{2}$ Gall.;" "Justice Brand * * * Trade Mark Reg. Imported Virgin Pure Olive Oil Net Contents One Gallon * * * Gamanos & Booskos Importers & Packers N. Y.;" "Finest Quality Table Oil * * * Termini Imerese Type Net Contents One Gallon Cotton Seed Salad Oil Slightly Flavored With Olive Oil."

Analysis of a sample of the Italia brand oil by the Bureau of Chemistry of this department showed that it was not olive oil but was probably cottonseed oil. Analyses of samples of the table oil by said bureau showed that it was a mixture of vegetable oils, principally cottonseed oil and corn oil; each of the cans examined contained less than 1 gallon of the article, the quantity declared on the label. Examination by said bureau of a sample taken from each of the four consignments of Justice brand oil showed shortages from the declared volume of 4.9, 4.7, 3.9, and 4.2 per cent, respectively.

Adulteration was alleged with respect to the Italia brand oil and the so-called table oil for the reason that substances, to wit, cottonseed oil and oils other than olive oil, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in large part for olive oil, which the article purported to be.

Misbranding was alleged with respect to the Italia brand oil for the reason that the statements, to wit, "Prodotti Italiani * * * Pure Olive Oil" and "Lucca Toscana Italia," together with the designs and devices of the Italian shield and Italian flag, borne on the cans containing the article, regarding the said article and the ingredients and substances contained therein, were false and misleading, in that the said statements represented that the article was olive oil and that it was a foreign product, to wit, an olive oil produced in Lucca, in the kingdom of Italy, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was olive oil and that it was a foreign product, to wit, an olive oil produced in Lucca, in the kingdom of Italy, whereas, in truth and in fact, it was not olive oil but was a mixture composed in large part of cottonseed oil and oils other than olive oil, and it was not a foreign product but was a domestic product, to wit, an article produced in the United States of America. Misbranding was alleged with respect to the said Italia brand oil for the further reason that it was a mixture composed in large part of cottonseed oil and oils other than olive oil, and was offered for sale and sold under the dis-

inctive name of another article, to wit, olive oil, and for the further reason that the statements, designs, and devices borne on the said cans purported the article to be a foreign product when not so.

Misbranding was alleged with respect to the Justice brand oil for the reason that the statement, "Net Contents One Gallon," borne on the cans containing the article, regarding the said article, was false and misleading, in that it represented that each of the said cans contained 1 gallon net of the article, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said cans contained 1 gallon net of the article, whereas, in truth and in fact, each of said cans did not contain 1 gallon net of the article but did contain a less amount.

Misbranding was alleged with respect to the so-called table oil for the reason that the statements borne on the cans containing the article, to wit, "Net Contents One Gallon," "Finest Quality Table Oil," and "Termini Imerese Type," not corrected by the statement, "Cotton Seed Salad Oil Slightly Flavored With Olive Oil," borne in inconspicuous type in an inconspicuous place on the said cans, together with the design and device of an olive tree with natives gathering olives, borne on the said cans, regarding the article and the ingredients, and substances contained therein, were false and misleading, in that they represented that the article was, to wit, olive oil, and that each of the said cans contained 1 gallon net of the article, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was, to wit, olive oil, and that each of the said cans contained 1 gallon net of the article, whereas, in truth and in fact, it was not, to wit, olive oil, but was a mixture composed in large part of cottonseed oil and oils other than olive oil, and each of the said cans did not contain 1 gallon net of the article but did contain a less amount.

Misbranding was alleged with respect to the Justice brand oil and the so-called table oil for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 26, 1923, the defendants entered pleas of guilty to the information, and the court imposed fines of \$150 each, a total of \$450.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11724. Adulteration and misbranding of tea. U. S. v. Harry A. Jones (Bohea Importing Co.). Plea of guilty. Fine, \$100 and costs. (F. & D. No. 17131. I. S. Nos. 3372-t, 3373-t, 4327-t, 9318-t.)

On June 7, 1923, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Harry A. Jones, trading as the Bohea Importing Co., Baltimore, Md., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about July 17, 1920, and November 10, 1921, respectively, from the State of Maryland into the State of Louisiana, on or about June 4, 1921, from the State of Maryland into the State of Arkansas, and on or about October 28, 1921, from the State of Maryland into the State of South Carolina, of quantities of tea, a portion of which was adulterated and misbranded and the remainder of which was misbranded. The article was labeled variously: "Bohea's Special Orange Pekoe Ceylon Tea * * * Net 1½ Ozs. And Over When Packed * * * Bohea Importing Co., Baltimore, Md., U. S. A.;" "Extremely Superb 'Himalaya' Darjeeling India Tea * * * Bohea Importing Co. * * * Half Pound Net;" "King George * * * Flowery Orange Pekoe Ceylon-India Tea Bohea Importing Co. * * * ½ Pound Net Weight When Packed."

Analyses of samples of the Special Orange Pekoe Ceylon tea by the Bureau of Chemistry of this department showed that it contained a grade or grades of tea other than Orange Pekoe. Analysis of a sample of the King George brand tea by said bureau showed that it contained a substantial quantity of a grade or grades of tea other than Flowery Orange Pekoe. Examination of a sample taken from each of the consignments of the article by said bureau showed that the packages contained less tea than declared on the labels.

Adulteration of the Special Orange Pekoe Ceylon tea and the King George brand tea was alleged in the information for the reason that tea other than, to wit, Orange Pekoe leaf grade of tea or Flowery Orange Pekoe leaf grade of tea, as the case might be, had been substituted in whole or in part for the said article.